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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,208	10/18/1999	SHANE HERMAN	2705-688	2479
20575	7590	04/19/2007	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			NGUYEN, CHAUT	
			ART UNIT	PAPER NUMBER
			2176	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/420,208	HERMAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Chau Nguyen	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12/18/2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 33-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 33-53 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Applicant's submission filed on 12/18/2006 has been entered. Claims 1-32 are canceled. Claims 33-53 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 33-35, 38-39, 41-45, 48-49 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al. (Nakai), US Patent No. 6,253,248 and further in view of Booth, US Patent No. 6,345,307.

4. As to independent claims 33, 43 and 53, Nakai discloses a method for local computer system control of a remote computer system via the Internet, said method comprising:

receiving a hypertext transfer protocol formatted command via the Internet from said local computer system, wherein said hypertext transfer protocol formatted command does not include file transfer protocol components (col. 4, lines 48-53 and col. 5, lines 35-67: the proxy server receives a request (from a client device) such as a

command GET http://WWW:80/abc/def/xxx.html HTTP/1.0, and this is a hypertext transfer protocol command that does not include ftp);

translating said hypertext transfer protocol formatted command into file transfer protocol format to form a file transfer protocol formatted command (col. 1, lines 44-60: protocol conversion from the HTTP protocol to an FTP protocol)

transmitting said hypertext transfer protocol formatted response to said local computer system (col. 6, lines 32-43: the proxy server directly sends the request from the client to the server, receives data sent back from the server , and sends the received data to the Web browser (client)).

However, Nakai does not explicitly disclose transmitting said file transfer protocol formatted command to said remote computer system via the Internet, wherein said file transfer protocol formatted command is executed by said remote system; receiving a file transfer protocol formatted response from said remote computer system via the Internet; translating said file transfer protocol formatted response into hypertext transfer protocol format to form a hypertext transfer protocol formatted response.

In the same field of endeavor, Booth discloses a proxy server is a type of gateway that allows a browser using HTTP to communicate with a server that does not understand HTTP, but which uses, e.g., FTP, Gopher or other protocols. The proxy server accepts HTTP requests from the browser and translate them into a format that is suitable for the origin server such as and FTP request, and the proxy server translates FTP replies from the server into HTTP replies so that the browser can understand them (col. 1, lines 35-45). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine the teachings of Booth and Nakai to include converting HTTP command to FTP command from a proxy server, sending FTP command to the origin server, the proxy server translates FTP reply for the server into HTTP and sends it back to the browser. The motivation for doing so is to enhance communications between users and servers that do not have the same protocols.

5. As to dependent claims 34 and 44, Nakai and Booth disclose providing verification of access authorization, of a user logged in at said local computer system, to said remote computer system prior to said receiving said hypertext transfer protocol formatted command via the Internet (Nakai, col. 13, lines 12-44).
6. As to dependent claims 35 and 45, Nakai and Booth disclose wherein said command is associated with a user session and logged (Nakai, col. 13, lines 12-44).
7. As to dependent claims 38 and 48, Nakai and Booth disclose wherein said command comprises a single script that is issued from said local computer system to control said remote system and to download data from said remote computer system (Nakai, col. 5, line 43 – col. 6, line 43).
8. As to dependent claims 39 and 49, Nakai and Booth disclose issuing command-line interface calls from a web-based graphical user interface (Nakai, col. 5, lines 43-67 and col. 17, lines 39-44).

9. As to dependent claims 41 and 51, Nakai and Booth disclose the step of managing a plurality of remote systems from a single web-based control point (Nakai, Fig. 2).

10. As to dependent claims 42 and 52, Nakai and Booth disclose the step of transmitting both commands and content through a same IP port of said remote computer system (Nakai, col. 4, lines 48-53).

11. Claims 36-37, 40, 46-47 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al. (Nakai), US Patent No. 6,253,248 and Booth, US Patent No. 6,345,307 as discussed in claims 33-35, 38-39, 41-45, 48-49 and 51-53 above and further in view of Morag et al. (Morag), US Patent No. 6,058,399.

12. As to dependent claims 36 and 46, Nakai and Booth, however, do not explicitly disclose wherein said command comprises a single script that is issued from said local computer to control the uploading of data to said remote computer system. In the same field of endeavor, Morag discloses generating command for uploading a list or file information for a plurality of local files to a remote server (Morag, col. 5, lines 20-34 and col. 9, lines 3-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Morag and Nakai and Booth to include a single script that is issued from said local computer to control the uploading of data to said remote computer system. Morag provides a method of uploading data

which renders the data inaccessible to third parties, thus provide secure and/or convenient method of uploading data which uses a maximum number of available commercial components, both for the client and for the service provider.

13. As to dependent claims 37 and 47, Nakai and Booth, however do not disclose wherein said data that is uploaded to said remote computer system is used to update or configure software that runs on said remote computer system. Morag discloses client starts uploading active image files to FTP server, the active files are a set of files which are considered by the image manipulation software to be relevant for the required interaction with the external service provider. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Morag and Nakai and Booth to include data that is uploaded to said remote computer system is used to update or configure software that runs on said remote computer system. Morag provides a method of uploading data which renders the data inaccessible to third parties, thus provide secure and/or convenient method of uploading data which uses a maximum number of available commercial components, both for the client and for the service provider.

14. As to dependent claims 40 and 50, Nakai and Booth, however, do not explicitly disclose wherein multiple users on a plurality of client computers access said remote computer system through a single log in procedure. Morag discloses synchronizing the file upload session and the interactive session by providing a single unique ID, the

uploaded files are associated with the unique session ID, and the session ID is used to differentiate multiple users and/or multiple sessions from a single user (col. 2, line 64 – col. 3, line 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Morag and Nakai and Booth to include synchronizing the file upload session and the interactive session by providing a single unique ID, the uploaded files are associated with the unique session ID, and the session ID is used to differentiate multiple users and/or multiple sessions from a single user so that the interactive session can determine which files have been uploaded and to enable the uploading of files to be canceled via the interactive session.

### ***Response to Arguments***

15. In the remarks, Applicant(s) argued in substance that

A) Nakai et al. does not teach or suggest: (1) receiving a HTTP command from a local system and (2) translating it into an FTP command that is (3) transmitted to and executed on a remote system.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, Nakai discloses in col. 4, lines 48-53 and col. 5, lines 35-67: the proxy server receives a request (from a client device or local system) such as a command GET http://WWW:80/abc/def/xxx.html HTTP/1.0, and this is a hypertext transfer protocol command that does not include ftp. Nakai also discloses in col. 1, lines 44-60: protocol conversion from the HTTP protocol to an FTP protocol.

However, Nakai does not explicitly disclose transmitting said file transfer protocol formatted command to said remote computer system via the Internet, wherein said file transfer protocol formatted command is executed by said remote system.

Booth discloses a proxy server is a type of gateway that allows a browser using HTTP to communicate with a server that does not understand HTTP, but which uses, e.g., FTP, Gopher or other protocols. The proxy server accepts HTTP requests fro the browser and translate them into a format that is suitable for the origin server such as and FTP request, and the proxy server translates FTP replies from the server into HTTP replies so that the browser can understand them (col. 1, lines 35-45).

B) None of the references teach that a response is received and then translated into an HTTP response that is transmitted back to the local system.

In reply to argument B, Booth discloses the proxy server accepts HTTP requests from the browser and translate them into a format that is suitable for the origin server such as and FTP request, and the proxy server translates FTP replies (responses) from the server into HTTP replies so that the browser can understand them (col. 1, lines 35-45).

C) Booth does not teach or suggest a server computer wherein a remote user issuing FTP commands from a client computer can administer the file system, and wherein further the FTP command are derived from Hypertext Transfer Protocol commands that are transmitted over the Internet without File Transfer Protocol components.

In reply to argument C, applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., wherein a remote user issuing FTP commands from a client computer can administer the file system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In addition, the examiner did not use Booth reference to reject the limitation "Hypertext Transfer Protocol commands that are transmitted over the Internet without File Transfer Protocol components". In this case, the examiner use Nakai reference which discloses in col. 4, lines 48-53 and col. 5, lines 35-67: the proxy server receives a request (from a client device) such as a command GET http://WWW:80/abc/def/xxx.html HTTP/1.0, and this is a hypertext transfer protocol command that does not include ftp.

16. Applicant's arguments filed on 12/18/2006 have been fully considered but they are not persuasive.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (571) 272-4092. The examiner can normally be reached on 8:30 am – 5:30 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central Facsimile (FAX) Number will change from 703-872-9306 to 571-273-8300.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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